

An enforcement-only policy is not the answer and doesn't work.

The United States has 7,458 miles of land borders and 88,600 miles of tidal shoreline. We can secure those frontiers well but not perfectly. As we have stepped up border enforcement, we have locked undocumented immigrants in this country at least as effectively as we have locked any out.

With an estimated 10 million undocumented persons in the United States, to find them and flush them out of homes, schools, churches, and work places would mean an intrusion on the civil liberties of Americans that they will not tolerate. We fought our revolution, in part, over troops at our doors and in our homes.

History has shown us what does work: A coupling of more secure borders, better internal enforcement, and a guest worker program that faces up to economic reality.

The only experience our country has had with a legal farm guest worker program—used widely in the 1950s but repealed in the 1960s—taught us conclusive lessons. While it was criticized on other grounds, that program dramatically reduced illegal immigration from high levels to almost nothing, while meeting labor market needs.

AgJOBS is a groundbreaking, necessary part of this balanced, realistic approach. American agriculture has boldly stepped forward and admitted the problem. AgJOBS is a critical part of the solution.

Agriculture is the sector of the economy for which the problem is the worst. Fifty to 75 percent of farm workers are undocumented. As internal enforcement has stepped up, family farms are going out of business because they cannot find legal workers.

This mighty machine we call American agriculture is on a dangerous precipice—perhaps the most dangerous in our history. This year, for the first time since records have been kept, the United States is on the verge of becoming a net importer of agricultural products.

To keep American-grown food on our families' tables, we need a stable, legal, labor supply. To keep suppliers, processors, and other rural jobs alive, American agriculture needs a stable, legal, labor supply. It has been said, foreign workers are going to harvest our food; the only question is whether they do it here or in another country.

Whatever the case is in other industries, in agriculture, we really are talking about jobs that Americans can't or won't take. This physically demanding labor is seasonal and migrant in nature. Few Americans can or will leave home and family behind, to travel from State to State, crop to crop, for only part of the year, living in temporary structures. The planting, growing, and harvesting seasons occur at different times in different States—usually when students are not available.

AgJOBS is also part of a humane solution. Legal workers can demand a

living wage and assert legal rights that undocumented workers—smuggled into the country and kept “underground”—cannot. Every year, more than 300 persons die in the desert, the boxcar, or the back of a truck trailer. For a civilized, humane country, that is intolerable.

For the long term, AgJOBS reforms and streamlines the profoundly broken H-2A program that is supposed to provide legal, farm guest workers. It is now so bureaucratic and burdensome, it admits only about 40,000 workers a year—2 to 3 percent of farm workers.

However, we cannot expand the H-2A program overnight. A system of consulate system, a Homeland Security bureaucracy, and a Department of Labor bureaucracy that, today, chokes on processing 40,000 workers a year will need several years to ramp up to several times that amount. Growers, almost all of which do not use H-2A today, will need time to get into the system. Also, growers will need time to build housing and prepare for the other labor standards that H-2A has always required to prevent foreign workers from taking jobs from Americans.

As a bridge to stabilize the workforce while H-2A reforms are being implemented, AgJOBS includes a one-time-only earned adjustment program, to let about 500,000 trusted farm workers, with a proven, substantial work history here, continue working here, legally. The permanent H-2A reforms would make future farm worker adjustments unnecessary.

AgJOBS is not amnesty or a reward for illegal behavior.

Requiring several years of demanding, physical labor in the fields is an opportunity to rehabilitate to legal status—to earn the adjustment to legal status.

Adjusting AgJOBS workers would have to meet a higher standard of good behavior than other, legal immigrants, in the future. Once a worker is in the adjustment program, he or she has to obey all the laws that other, legal immigrants have to. In addition, an adjusting worker would be deported for conviction of one felony; or three misdemeanors, however minor; or, in the amendment before, a single serious misdemeanor, defined as an offense that results in 6 months of jail time.

Part of earning adjustment involves the immigrant surrendering to some limits on his or her legal rights—including a substantial prospective work requirement in agriculture and meeting a higher legal standard of good behavior than other, legal immigrants.

The adjusting worker can apply for permanent residence—a green card—at the end of the adjustment process. As a practical matter, obtaining a green card would take about 6 to 9 years after the worker enters the adjustment process. For the work involved, the economic contributions made, and the diligence required over a long period of time, this is fair. Sharing the American dream with persons who want to

be—and will be—law-abiding members of the community, is fair.

AgJOBS workers, both adjusting and H-2A, would be free to leave the country at the end of the work season and not be “locked in” the country, between jobs.

Finally, AgJOBS is good for our homeland security.

With background checks, AgJOBS would let American families know who is putting the food on our tables. That means ensuring a safe and stable food supply for American families.

When we stop sending investigators and enforcement agents into the potato fields and apple orchards, we will be able to devote critical resources where they belong—hunting down real criminals and stopping terrorists.

AgJOBS is a win-win-win, for growers, workers, taxpayers, and homeland security. I urge my colleagues to support this amendment.

I also ask unanimous consent to have printed in the RECORD several documents setting out facts about AgJOBS, the need for AgJOBS, frequently asked questions, and letters of endorsement from the New England Apple Council, Americans for Tax Reform, and from former U.S. Trade Representative and Secretary of Agriculture, Clayton Yeutter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACTS ABOUT AGJOBS

THE AGRICULTURAL JOB OPPORTUNITY, BENEFITS, AND SECURITY ACT OF 2005—S. 359/H.R. 884

The Problem: Some 50 to 75 percent of America's farm work force is undocumented. As border and internal enforcement improves, work force disruptions are increasing and some operations are simply shutting down because growers cannot find a reliable, legal labor supply. This comes at a time when American agriculture is in perhaps its most precarious condition in our history, and we are on the verge of importing more food than we grow, for the first time since records have been kept.

Long-Term Solution: A permanently reformed H-2A program would be streamlined, easier to use, and more economical, providing a legal work force for farm jobs Americans won't take. Legal guest workers would go back to their home countries when the work season is over. The current H-2A system is profoundly broken and supplies only 2 to 3 percent of farm workers (30,000 to 40,000 a year out of a work force of 1.6 million).

Short-Term “Bridge”: A one-time-only earned adjustment program would allow growers to retain trusted, tax-paying employees with a proven work history, to stabilize the ag work force as the industry (and the government bureaucracy) transitions to greater use of a reformed H-2A program. Based on DOL statistics, about 500,000 workers would be eligible to apply.

Rehabilitation, not “amnesty”: A significant prospective work requirement (at least 360 days over 3 to 6 years, including at least 240 days in the first 3 years) in agriculture—among the most physically demanding work in the country—means adjusting workers could earn the right to stay and work toward legal status. Adjusting workers would have to meet a higher standard of good behavior than other, legal immigrants, being subject to deportation for any 3 misdemeanors, regardless how minor.